

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of DONALD R. DALTON and DEPARTMENT OF THE ARMY,  
CORPUS CHRISTI ARMY DEPOT, Corpus Christi, TX

*Docket No. 00-53; Submitted on the Record;  
Issued October 20, 2000*

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DECISION and ORDER

Before DAVID S. GERSON, WILLIE T.C. THOMAS,  
PRISCILLA ANNE SCHWAB

The issue is whether appellant sustained an injury in the performance of duty.

On September 7, 1998 appellant, a 59-year-old aircraft mechanic, filed a notice of occupational disease and claim for compensation (Form CA-2) alleging that he sustained carpal tunnel syndrome in his right wrist as a result of his federal employment. Appellant identified July 10, 1997 as the date he first became aware of his condition. Additionally, appellant identified June 24, 1998 as the date he realized his condition was caused or aggravated by his employment.

Dr. David A. McFarling, a Board-certified neurologist, diagnosed bilateral carpal tunnel syndrome in July 1998 and referred appellant for a surgical consultation. In August 1998, Dr. Paul H. Zanetti, a Board-certified neurosurgeon, examined appellant and diagnosed right carpal tunnel syndrome. Additionally, Dr. Zanetti recommended that appellant undergo surgery.

By letter dated November 27, 1998, the Office of Workers' Compensation Programs requested that appellant submit additional factual and medical information within 30 days. Appellant did not respond to the Office's request in a timely manner. The Office did, however, receive a November 23, 1998 report from a Dr. Zepeda who had treated appellant in the employing establishment's occupational health clinic beginning in September 1998. Dr. Zepeda noted a diagnosis of bilateral carpal tunnel syndrome.

In a decision dated January 26, 1999, the Office denied appellant's claim on the basis that he failed to establish that his carpal tunnel syndrome was caused by his employment.

The Board finds that appellant has not met his burden of proof in establishing that he sustained an injury in the performance of duty.

In an occupational disease claim, in order to establish that an injury was sustained in the performance of duty, a claimant must submit the following: (1) medical evidence establishing

the presence or existence of the disease or condition for which compensation is claimed; (2) a factual statement identifying employment factors alleged to have caused or contributed to the presence or occurrence of the disease or condition; and (3) medical evidence establishing that the employment factors identified by appellant were the proximate cause of the condition for which compensation is claimed or, stated differently, medical evidence establishing that the diagnosed condition is causally related to the employment factors identified by the claimant.<sup>1</sup>

An award of compensation may not be based on surmise, conjecture or speculation. Neither the fact that appellant's condition became apparent during a period of employment nor the belief that the condition was caused, precipitated or aggravated by his employment is sufficient to establish a causal relationship.<sup>2</sup> A physician's opinion on the issue of whether there is a causal relationship between the claimant's diagnosed condition and the implicated employment factors must be based on a complete factual and medical background of the claimant.<sup>3</sup> Additionally, in order to be considered rationalized, the opinion must be expressed in terms of a reasonable degree of medical certainty, and must be supported by medical rationale, explaining the nature of the relationship between the diagnosed condition and claimant's specific employment factors.<sup>4</sup>

In this case, while Drs. McFarling, Zanetti and Zepeda each diagnosed appellant as suffering from carpal tunnel syndrome, none offered an opinion regarding causal relationship. Consequently, the medical evidence of record fails to establish a causal relationship between appellant's diagnosed condition and his employment. In the absence of rationalized medical opinion evidence establishing a causal relationship between appellant's carpal tunnel syndrome and his employment, appellant has failed to demonstrate that he sustained an injury in the performance of duty.<sup>5</sup>

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<sup>1</sup> *Victor J. Woodhams*, 41 ECAB 345 (1989).

<sup>2</sup> *Robert G. Morris*, 48 ECAB 238, 239 (1996).

<sup>3</sup> *Victor J. Woodhams*, *supra* note 1.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

The January 26, 1999 decision of the Office of Workers' Compensation Programs is hereby affirmed.<sup>6</sup>

Dated, Washington, DC  
October 20, 2000

David S. Gerson  
Member

Willie T.C. Thomas  
Member

Priscilla Anne Schwab  
Alternate Member

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<sup>6</sup> The record includes evidence that was received by the Office subsequent to the issuance of its January 26, 1999 decision. Inasmuch as the Board's review is limited to the evidence of record that was before the Office at the time of its final decision, the Board cannot consider appellant's newly submitted evidence. 20 C.F.R. § 501.2(c).